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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,126

11/21/2003

Craig Miller

81091282

1125

28395

7590

10/20/2006

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EXAMINER

FERGUSON, MICHAEL P

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,126

Applicant(s)

MILLER ET AL.

Examiner

Michael P. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 7, 8 and 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. In view of the supplemental appeal brief filed on July 5, 2006, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



Daniel P. Stodola

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Election/Restrictions

2. Claims 7,8 and 10-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 21, 2005.

Claim Objections

3. Claims 1 and 9 are objected to because of the following informalities:

Claim 1 (line 4) recites "a first plane the end". It should recite --a first plane, the end--.

Claim 1 (line 5) recites "a height dimension". It should recite --a thickness dimension--.

Claim 9 (line 3) recites "a height". It should recite --a thickness--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites "A reduced radius hem for an inner sheet form panel that is hemmed by an outer panel, the inner panel having... the outer panel". It is unclear as to what is being claimed as the invention. Specifically, claim 9 does not clearly recite what elements comprise the "reduced radius hem" or recite any structural language that enables one to determine what the invention comprises because the preamble merely sets forth a hem with an intended use with an inner sheet form panel hemmed by an outer panel while the body of the claim merely defines the inner and outer panels. It is

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unclear as to whether the applicants intend to claim the inner and outer panels as elements of a combination or whether the inner and outer panels are merely the intended use of the subcombination. Because of this ambiguity, the metes and bounds of the claim cannot be properly ascertained.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

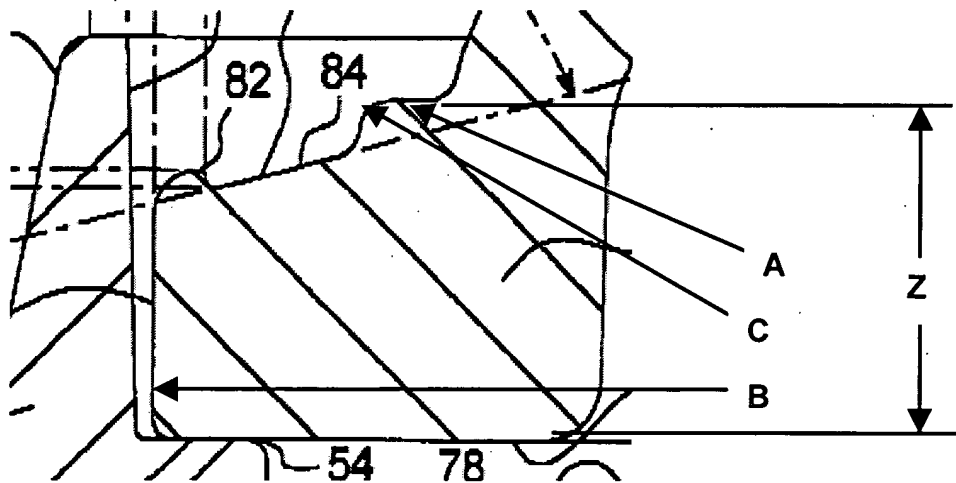
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4-6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Morefield (US 6,536,983).

As to claim 1, Morefield discloses a reduced radius hem assembly comprising:
an inner panel **12** (a panel defined by a distinct part of a surface or member)
including an inner surface **A** (Figure 6 reprinted below with annotations) and an outer surface **42** on opposite parallel sides that are spaced apart by the thickness **Z** of (a portion of) the inner panel, the inner panel having an outwardly extending perimeter flange **22** terminating as an end **B** disposed in a first plane, the end having a thickness dimension that is less than the thickness of the inner panel, the inner surface lying in a second plane that is generally perpendicular to the end, and a beveled (slanted) surface

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C located between and contiguous with the end and the inner surface, the beveled surface being disposed inboard of the intersection of the first and second planes; and an outer panel 14 (a panel defined by a distinct part of a surface or member) having a peripheral edge comprising a bend portion, an intermediate portion, and an end portion 66 wherein the intermediate portion is adjacent to the beveled surface of the perimeter flange and the end portion overlies a portion of the inner surface of the perimeter flange (Figures 6 and 7).



As to claim 2, Morefield discloses a hem assembly wherein the thickness Z of the inner panel 12 (at portion Z) is greater than the thickness of the outer panel 14 (at portion 76; Figure 6).

As to claim 4, Morefield discloses a hem assembly wherein the perimeter flange 22 of the inner panel 12 is provided with the beveled (slanted) surface C that extends across a portion of the perimeter flange (Figure 6).

As to claim 5, Morefield discloses a hem assembly wherein the hem assembly includes areas that define cut lines (cut lines being defined by the surfaces (lines)

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separating inner and outer panels **12,14**; Figure 6) and wherein the beveled surface **C** is provided in the areas defining cut lines.

As to claim 6, Morefield discloses a hem assembly wherein the hem assembly includes areas that define surface curvature (shown in figure 4) and wherein the beveled surface **C** is provided in the areas defining surface curvature.

As to claim 9, Morefield discloses a reduced radius hem for an inner sheet form panel that is hemmed by an outer panel, the inner panel **12** having an outwardly extending peripheral flange **22** having a nominal thickness **Z**, the peripheral flange comprising an end **B** that has a thickness that is less than the nominal thickness **Z** of the flange, an inboard surface **A** that is perpendicular to the end, and a beveled (slanted) surface **C** located between and contiguous with both the end and the inboard surface, the beveled surface disposed in a plane that is recessed relative to the end and the inboard surface, the outer panel **14** having a peripheral edge comprising a bend portion, an intermediate portion, and an end portion **66** whereby the beveled surface at least partially receives the intermediate portion of the peripheral edge of the outer panel (Figures 6 and 7).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morefield.

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As to claim 3, Morefield fails to disclose a hem assembly wherein the inner panel comprises a magnesium composite material.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a hem assembly as disclosed by Morefield wherein the inner panel comprises a magnesium composite material as such material is a well-known, widely used and commercially available material within the art.

Response to Arguments

10. Applicant's arguments filed July 5, 2006 have been fully considered but they are not persuasive.

As to claims 1 and 9, Attorney argues that:

Morefield do not discloses a reduced radius hem assembly comprising an inner panel including an inner surface and an outer surface on opposite parallel sides that are spaced apart by the thickness of the inner panel, the inner panel having a beveled surface located between and contiguous with the end and the inner surface, the beveled surface being disposed inboard of the intersection of the first and second planes; and an outer panel.

Examiner disagrees. As to claims 1 and 9, Morefield discloses a reduced radius hem assembly comprising an inner panel 12 (a panel defined by a distinct part of a surface or member) including an inner surface A and an outer surface 42 on opposite

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parallel sides that are spaced apart by the thickness **Z** of (a portion of) the inner panel, the inner panel having a beveled (slanted) surface **C** located between and contiguous with the end and the inner surface, the beveled surface being disposed inboard of the intersection of the first and second planes; and an outer panel **14** (a panel defined by a distinct part of a surface or member; Figure 6). Examiner notes that claims 1 and 9 do not recite that the inner and outer panels comprise flat planar sheets having a constant thickness between the inner and outer surfaces.

As to claim 5, Attorney argues that:

Morefield does not disclose a hem assembly *wherein the beveled surface is provided in areas defining cut lines.*

Examiner disagrees. As to claim 5, Morefield discloses a hem assembly wherein the beveled surface **C** is provided in areas defining cut lines (cut lines being defined by the surfaces (lines) separating inner and outer panels **12,14**; Figure 6). Examiner notes that claim 5 does not recite any particular structural limitations the define the cut lines.

As to claim 6, Attorney argues that:

Morefield does not disclose a hem assembly *wherein the beveled surface is provided in areas defining surface curvature.*

Examiner disagrees. As to claim 6, Morefield discloses a hem assembly wherein the beveled surface **C** is provided in areas defining surface curvature (shown in Figure 4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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